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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,159	11/07/2001	Shinichi Kikuchi	P 284083 T4A0A-01S0950-1	4882
909	7590	04/08/2004	EXAMINER VENT, JAMIE J	
PILLSBURY WINTHROP, LLP P.O. BOX 10500 MCLEAN, VA 22102			ART UNIT 2613	
			PAPER NUMBER	

DATE MAILED: 04/08/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/986,159

Applicant(s)

KIKUCHI ET AL.

Examiner

Jamie Vent

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 3, 4, 5, and 18 are rejected under 35 U.S.C. 102(b) as being unpatentable by Kimura et al (US 5,905,844).

[claim 1]

In regard to Claim 1, Kimura et al discloses a recording device which handles recording reservations, comprising:

- Input means for inputting video signal (Figure 58a elements 2 and 4 show input devices into the system);
- Recording means for recording a video signal to be inputted via the input means (Figure 58a and b circuit diagrams showing the construction of the recording system);
- Reservation receiving means for receiving input of recording reservation information (Figure 58a bottom line is used for command/reservation information received from the user);
- First recording control means for, on the basis of the recording reservation information to be received by the reservation receiving means, making the recording means record a target video signal to be inputted via the input means

(Column 24 lines 34-45 describes various control means that take control of the reservation information to be recorded as the target video signal); and

- Second recording control means for stopping recording by the first recording control means when a target video signal, which the recording reservation information received by the reservation receiving means requests, cannot be obtained via the input means (Column 33 Lines 26-37 describes the occurrence of the target video signal being inaccessible to the input streams (i.e. no signal through broadcast medium)).

[claims 2 & 3]

In regard to Claims 2 and 3, Kimura et al discloses a recording device that handles recording reservations that stop information display comprising

- means for displaying the recording reservation information received by the reservation receiving means, and information relating to stopping by the second recording control means (Figure 60A and B the mode processing microcomputer judges the text type in the program header. If the information has been stopped and/or is present a display operation is executed); and
- means for recording the recording reservation information received by the reservation receiving means, and the information relating to stopping by the second recording control means (Column 24 Lines 53-58 describe the stopping of recording once the second recording control stops the process).

[claims 4 & 5]

In regard to Claim 4, Kimura et al discloses a recording device that handles recording reservations wherein:

- the second control means stops recording by the first recording control means when a synchronization signal is not detected via the input means even if a predetermined period of time has passed from a recording start time shown by the recording reservation information (Column 30 Lines 32-45 describe what happens when a synchronization signal is not detected initially as well as a predetermined period of time).

[claim 18]

In regard to Claim 18, Kimura et al discloses a recording method which handles recording reservations comprising:

- Receiving input of recording reservation information (Figure 58a bottom line is used for command/reservation information received from the user);
- Recording a target video signal on the basis of the received recording reservation information when the target video signal can be obtained, and stopping recording operation when the target video signal cannot be obtained (Figure 60A and B the mode processing microcomputer judges the text type in the program header. If the information has been stopped and/or is present a display operation is executed); and
- Reporting stopping when the recording operation is stopped (Column 24 Lines 53-58 describe the stopping of recording once the second recording control stops the process).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura et al (US 5,905,844) in view of Murase et al (US 6,611,655).

[claims 6, 7, & 8]

In regards to Claims 6, 7, and 8, Kimura et al discloses a recording device that handles recording reservations (Figures 58a); however, lacks the following:

- an after-recording process that is once executed by the first recording control means, deleting the recording reservation information received by the receiving means and recording, onto an information recording medium of a recording destination of the video signal, information relating to the recording executed by the first recording control means.
- Recording the title onto a PGI on the information recording medium as the information relating to the recording; and
- Recording the time onto a VOB on the information-recording medium as the information relating to the recording.

Murase et al discloses a recording system method, as seen in Figure 47, that receives and executes recording reservations and once the video signal is recorded the recording reservations are further stored on the memory of the unit as information regarding the recorded program. Murase et al further discloses in Column 25 Lines 33-49 that each audio video stream is managed using video object units as well as PGI being recorded for each program.

Therefore, it would be obvious to one skilled in the art of the time of the invention to incorporate the recording reservation apparatus of Kimura et al and incorporate a system that stores the recording reservations, as disclosed by Murase et al, to allow for comparison of previously recorded data as well as a system that would allow for backup storage of the video recorded and further incorporate the storing of the information in a means using PGI and VOB to allow for management of the recording using the title and times of recorded programs.

Claims 9, 10, 11, 15, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura et al (US 5,905,844) in view of Nishigaki et al (US 5,825,968).

[claim 9]

In regard to Claim 9, Kimura et al discloses a recording device that handles recording reservations as previously stated in claim 1; however, lacks the following limitation of the second recording control means for stopping recording by the first recording control means when a restriction of copy prohibition is attached to a target video which the recording reservation information received by the reservation receiving means requests. Nishigaki et al shows in Figure 1 a copy inhibiting signal detector elements 6, 10, and 14 that detects a restriction of a

copy prohibition and thereby attaches itself to the video signal where it is sent to the processor 25 for restriction of recording.

Therefore, it would be obvious to one skilled in the art at the time of the invention to use Kimura et al recording reservation system and incorporate a system that uses restriction of copy protected signals, as discloses by Nishigaki et al, to ensure that items that are copy protected are not being recorded illegally through the system.

[claims 10 & 11]

In regard to Claims 10 and 11, Kimura et al discloses a recording device that handles recording reservations that stop information display comprising

- means for displaying the recording reservation information received by the reservation receiving means, and information relating to stopping by the second recording control means (Figure 60A and B the mode processing microcomputer judges the text type in the program header. If the information has been stopped and/or is present a display operation is executed); and
- means for recording the recording reservation information received by the reservation receiving means, and the information relating to stopping by the second recording control means (Column 24 Lines 53-58 describe the stopping of recording once the second recording control stops the process).

[claim 15]

In regard to Claim 15, Kimura et al discloses a recording device that handles recording reservations where a third recording control means for stopping the recording by the first recording control means when a target video signal, which the recording reservation information

received by the reservation receiving means requests, cannot be obtained via the input means (Column 24 lines 34-45 describes various control means that take control of the reservation information to be recorded as the target video signal).

[claims 16 &17]

In regard to Claims 16 and 17, Kimura et al discloses a recording device comprising:

- Stop information display means for Displaying the recording reservation information received by the reservation receiving means, and information relating to stopping by the second or third recording control means (Figure 60A and B the mode processing microcomputer judges the text type in the program header. If the information has been stopped and/or is present a display operation is executed); and

Stop information recording means for means for recording the recording reservation information received by the reservation receiving means, and information relating to stopping by the second or third recording control means (Column 24 Lines 53-58 describe the stopping of recording once the second recording control stops the process).

Claims 12, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura et al (US 5,905,844) in view of Nishigaki et al (US 5,825,968) in further view of Murase et al (US 6,611,655).

[claims 12, 13, and 14]

In regards to Claims 12, 13, and 14, Kimura et al discloses a recording device that handles recording reservations (Figures 58a); however, lacks the following:

- second recording control means for stopping recording by the first recording control means when a restriction of copy prohibition is attached to a target video which the recording reservation information received by the reservation receiving means requests;
- an after-recording process that is once executed by the first recording control means, deleting the recording reservation information received by the receiving means and recording, onto an information recording medium of a recording destination of the video signal, information relating to the recording executed by the first recording control means;
- Recording the title onto a PGI on the information recording medium as the information relating to the recording; and
- Recording the time onto a VOB on the information-recording medium as the information relating to the recording.

Nishigaki et al shows in Figure 1 a copy inhibiting signal detector elements 6, 10, and 14 that detects a restriction of a copy prohibition and thereby attaches itself to the video signal where it is sent to the processor 25 for restriction of recording. While, Murase et al discloses a recording system method, as seen in Figure 47, that receives and executes recording reservations and once the video signal is recorded the recording reservations are further stored on the memory of the unit as information regarding the recorded program. Murase et al further discloses in Column 25 Lines 33-49 that each audio video stream is managed using video object units as well as PGI being recorded for each program.

Therefore, it would be obvious to one skilled in the art of the time of the invention to incorporate the recording reservation apparatus of Kimura et al and incorporate a system that uses copy prohibition, as disclosed by Nishigaki, and further incorporate a storage for the recording reservations, as disclosed by Murase et al, to allow for comparison of previously recorded data as well as a system that would allow for backup storage of the video recorded. By using the storage of the recording reservations and incorporating the storage of the information in a means using PGI and VOB to allow for more precise management of the recording data by using the title and times of recorded programs.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- **Barton (6,233,389) ;**
- **Barton et al (6,603,923) ; and**
- **Ando et al 6,603,923).**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number 703.305.0378. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 703-305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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